

INITIAL STATEMENT OF REASONS

a) Specific Purpose for the Regulations and Factual Basis for Determination that Regulations are Necessary

Section 35015 (Header)

Specific Purpose/Factual Basis:

The editorial change to the chapter header is necessary to improve clarity and be consistent with Family Code (FC) section 8707(b) that photo-listing of a child who is legally freed for adoption should include children whose case plan goal is adoption.

Section 35015(a)

Specific Purpose:

The specific purpose of this revision is to correct the term agency to "department, county adoption agency, or licensed adoption agency" and add the term "prospective" to adoptive parents.

Factual Basis:

The department is the State Department of Social Services' regional offices that facilitate adoption services of children when a county in California does not have an adoption agency. In accordance with Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012), county adoption agencies are no longer licensed by the Department, but authorized to perform services as an adoption agency. Licensed adoption agencies are licensed by the Department to provide adoption services.

The intent of the photo-listing of a child is to recruit prospective parents who have expressed an interest in adoption. The editorial change of "shall" to "may" and inserting "but not limited to" provide an agency with options of selecting recruitment efforts of their choice in accordance with FC section 8707.

Section 35015(a)(2)

Specific Purpose/Factual Basis:

The specific purpose of this revision is to clarify that an adoption agency must obtain a court order to present on television or other media outreach programs, a child who is legally freed for adoption.

Section 35017 (Header)

Specific Purpose/Factual Basis:

The editorial change to the Chapter header is necessary to improve clarity and be consistent with FC section 8707(b) that photo-listing of a child who is legally freed for adoption should include children whose case plan goal is adoption.

Section 35017(a)

Specific Purpose:

The specific purpose of this revision is to correct the term "agency" to "department, county adoption agency, or licensed adoption agency" and to revise the name of the Department's photo-listing service to read "photo-listing service of the Department."

Factual Basis:

The department is the State Department of Social Services' regional offices that facilitate adoption services of children when a county in California does not have an adoption agency. In accordance with SB 1013 (Chapter 35, Statutes of 2012), county adoption agencies are no longer licensed by the Department, but authorized to perform services as an adoption agency. Licensed adoption agencies are licensed by the Department to provide adoption services. The name change of the photo-listing service is a Departmental decision and consistent with FC section 8707(a).

Section 35017(b) (New Section)

Specific Purpose/Factual Basis:

The specific purpose of this new Section 35017(b) is to describe whom the photo-listing service will serve and the intent of the service. The intent is to recruit prospective adoptive families for children who have been legally freed for adoption or whose case plan goal is adoption. This is consistent with FC section 8707(a).

Section 35017(b) is renumbered to 35017(c)

Specific Purpose:

Current Section 35017(b) is renumbered to Section 35017(c) to allow for the new Section 35017(b) and reworded for clarity and consistency regarding the photo-listing service of the Department. This section is also to correct the term "agency" to "department, county adoption agency, or licensed adoption agency."

Factual Basis:

This section revision is necessary to follow a logical order of numbering. The term "department" is the State Department of Social Services' regional offices that facilitate adoption services of children when a county in California does not have an adoption agency. In accordance with SB 1013 (Chapter 35, Statutes of 2012), county adoption agencies are no longer licensed by the Department, but authorized to perform services as an adoption agency. Licensed adoption agencies are licensed by the Department to provide adoption services. The name change of the service is a Departmental decision and consistent with FC section 8707(a).

Section 35017(b)(1) is renumbered to Section 35017(c)(1)

Specific Purpose:

Current Section 35017(b)(1) is renumbered to Section 35017(c)(1) to allow for insertion of prior language in Section 35017(b). The specific purpose of this section is to direct the agency to use a color photograph of the child when submitting the child's information to the photo-listing service of the Department.

Factual Basis:

This section revision is necessary to follow a logical order of numbering to allow for insertion of prior language in Section 35017(b). Colored photographs are the standard in modern times and as photo-listing is used to recruit prospective adoptive parents this process should utilize any and all technology available. Photo-listing is a foundation to recruit prospective adoptive parents therefore utilizing color photographs is key element in that process.

Handbook Section 35017(b)(1)(A)

Specific Purpose:

The specific purpose of this amendment is to repeal Handbook Section 35017(b)(A) as the fact cited in current regulation is irrelevant.

Factual Basis:

Repeal of this Handbook Section is necessary because the language is obsolete. The use of black and white photographs is outdated and color photographs can be a more accurate reflection of the child.

Section 35017(b)(1)(A) through (D) are renumbered to Section 35017(c)(1)(A) through (C)

Specific Purpose/ Factual Basis:

Current Sections 35017(b)(1)(A) through 35017(b)(1)(D) are renumbered to Sections 35017(c)(1)(A) through 35017(c)(1)(C) for clarity and consistency due to the prior Handbook Section being repealed.

Section 35017(b)(2)(B)(1)(a) renumbered to Section 35017(c)(2)(B)(1)(a)

Specific Purpose:

Section 35017(b)(2)(B)(1)(a) is renumbered to Section 35017(c)(2)(B)(1)(a) for clarity and consistency to allow for insertion of prior language in Section 35017(b). The specific purpose of this amendment is to clarify that due to the child's right of privacy, the full date of birth will not be listed on the photo-listing site.

Factual Basis:

This section revision is necessary to follow a logical order of numbering to allow for insertion of prior language in Section 35017(b). Children and youth involved with the child welfare system have a right to privacy of their personal information, except under certain circumstances. This is the policy decision by the Department that the photo-listing service will publish only the child's birth month and year.

Section 35017(b)(2)(B)4.d.

Specific Purpose/Factual Basis:

The specific purpose of this amendment is to repeal this section to avoid duplication of information stated in Section 35017(b)(2)(B)4.c. regarding the type of family sought by the agency that would benefit the child.

Section 35017(b)(2)(B)4.e. to renumbered to Section 35017(c)(2)(B)4.d.

Specific Purpose/ Factual Basis:

Current Section 35017(b)(2)(B) 4.e. is renumbered to 35017(c)(2)(B)4.d. The renumbering is necessary for clarity and consistency to respectively delete the prior Section 35017(2)(B) 4.d. because of duplication.

Sections 35017(b)(2)(B)(c) through (h) are renumbered to Sections 35017(c)(2)(B)(d) through (i)

Specific Purpose/Factual Basis:

Sections 35017(b)(2)(B)(c) through (h) are renumbered to Sections 35017(c)(2)(B)(d) through (i) for clarity and consistency to allow for the previous insert of Section 35017(b). The remainder of this Chapter will be numbered with the new numbering for clarity and consistency.

Section 35017(c)(2)(B)(d)

Specific Purpose:

This Section is to correct the term "agency" to "department, county adoption agency, or licensed adoption agency." This revision also changes the name of the Department's photo-listing service to read "photo-listing service of the Department."

Factual Basis:

The term "department" is the State Department of Social Services' regional offices that facilitate adoption services of children when a county in California does not have an adoption agency. In accordance with SB 1013 (Chapter 35, Statutes of 2012), county adoption agencies are no longer licensed by the Department, but authorized to perform services as an adoption agency. Licensed adoption agencies are licensed by the Department to provide adoption services. The name change of the service is a Departmental decision and is consistent with FC section 8707(a).

Section 35017(c)(2)(B)(f)

Specific Purpose:

This Section revision is to correct the term "agency" to "department, county adoption agency, or licensed adoption agency" and correct the term "homestudy" to read "home study."

Factual Basis:

The term "department" is the State Department of Social Services' regional offices facilitate adoption services of children when a county in California does not have an adoption agency. In accordance with SB 1013 (Chapter 35, Statutes of 2012), county adoption agencies are no longer licensed by the Department, but authorized to perform services as an adoption agency or consortium of agencies. Licensed adoption agencies are licensed by the Department to provide adoption services. The editorial revisions in this section is to provide clarity that the agency shall defer the child's registration to the photo-listing service if known persons express an interest in the adoption of the child.

Section 35017(c)(2)(B)(i)

Specific Purpose/Factual Basis:

The specific purpose of this editorial change is to revise the name of the Department's photo-listing service to read "photo-listing service of the Department". The name change of the service is a Departmental decision and consistent with FC section 8707.

Section 35019(a)

Specific Purpose:

The specific purpose of this is to correct the term "agency" to "department, county adoption agency, or licensed adoption agency." The editorial revision in this section is to allow email to be used as a condition of contact when any changes occur in the child's photo-listing status.

Factual Basis:

The term "department" is the State Department of Social Services' regional offices that facilitate adoption services of children when a county in California does not have an adoption agency. In accordance with SB 1013 (Chapter 35, Statutes of 2012), county adoption agencies are no longer licensed by the Department, but authorized to perform services as an adoption agency or consortium of agencies. Licensed adoption agencies are licensed by the Department to provide adoption services. This is a Departmental decision to include email as a means of contact between the department, county adoption agency, or licensed adoption agency and the photo-listing service of the Department.

Handbook Section 35019(b)(4)(1)

Specific Purpose/Factual Basis:

The specific purpose of this Handbook Section's editorial revision describes the new name of the "photo-listing service of the Department." The name change of the service is a Departmental decision and consistent with FC section 8707(a).

Handbook Section 35019(4)(b)(4)(2)

Specific Purpose:

The specific purpose of this Handbook Section's editorial revision describes how the child's photo-listing profile will be noted when significant changes occur to the child's case.

Factual Basis:

This amendment is necessary to provide clarity when the department, county adoption agency, or licensed adoption agency notifies the photo-listing service of the Department that the child's case is closed or matched with a family or removed for one reason or another. The amendment is necessary for the reader as the current section is worded awkwardly and consistent with FC section 8907(b).

Section 35019(c)

Specific Purpose:

The specific purpose of these editorial revisions describe the new name of the "photo-listing service of the Department" and to provide clarity to the agency regarding the requirements and timeframe of submitting additional information about the child, to the photo-listing service of the Department within 15 days after one year of registration.

Factual Basis:

Section 35019(c) is necessary to meet the requirements as specified in FC section 8707(d) in a clear and concise manner. The amendment is necessary for the reader as the current section is worded awkwardly. This is also a departmental decision to revise the name and consistent with FC section 8707(a).

Section 35019(d)

Specific Purpose/Factual Basis:

The specific purpose of this revision is to rename the "Department" to the "photo-listing service of the Department." The name change of the service is a departmental decision and consistent with FC section 8707(a).

Section 35019(e) (New Section)

Specific Purpose:

The specific purpose of this new section is to provide clarity regarding the agency's timeframe of having two working days, to notify the photo-listing service of a child's adoption or other significant changes in the child's photo-listing status.

Factual Basis:

This section is necessary to meet the requirements of FC section 8707(h). When a child is adopted, the Department, county adoption agency or licensed adoption agency shall notify the photo-listing service within two working days of the change in the child's status.

b) Identification of Documents Upon Which Department Is Relying

AB 2773

SB 1013

All-County Information Notice I-11-99

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

d) Statement of Alternatives Considered

The California Department of Social Services (CDSS) must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the knowledge that this there would be a cost savings is when a child is adopted, as the state no longer pays for foster care.

f) Economic Impact Assessment

In accordance with GC section 11346.3(b), CDSS has made the following assessments regarding the proposed regulations. This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

Creation or Elimination of Jobs Within the State of California

The adoption of the proposed regulations will neither create nor eliminate jobs in the State of California. The justification for this statement is on the knowledge that when a child is adopted, as the state no longer pays for foster care.

Creation of New or Elimination of Existing Businesses Within the State of California

The adoption of the proposed regulations will neither result in the creation of new businesses nor elimination of existing businesses in the State of California. The justification for this statement is on the knowledge that when a child is adopted, as the state no longer pays for foster care.

Expansion of Businesses Within the State of California

The adoption of the proposed regulations will not result in the expansion of businesses in the State of California. The justification for this statement is the knowledge that when a child is adopted, as the state no longer pays for foster care.

Benefits of the Regulations

The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: Section will provide clarity to direct foster care agencies to conduct recruitment activities for the purpose of promoting children and youth who need permanent homes.

Documents Relied Upon

AB 2773

SB 1013

All-County Information Notice I-11-99

g) Benefits Anticipated from Regulatory Action

The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: Section will provide clarity to direct foster care agencies to conduct recruitment activities for the purpose of promoting children and youth who need permanent homes.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.